

# INDIANA PUBLIC DEFENDER COMMISSION MINUTES

**February 26, 2003**

At 3:10 p.m., Chairman Lefstein determined that a quorum was not present and called for a discussion of items on the agenda. It was determined that those present would make recommendations for action subject to ratification by a majority of the Commission. Present were Commission members Les Duvall and Rebecca McClure. Participating by telephone conference call were the Hon. Daniel F. Donahue and Betty Lou Jerrell. Also, present were Larry Landis, from the Public Defender Council, and Tom Carusillo.

1. Minutes from the December 11, 2002 meeting were reviewed and recommended for approval.
2. Staff reported on the status of the budget and on continued inquiry from counties seeking to participate in reimbursement. Larry Landis noted that efforts had been undertaken to find alternative revenue sources, through court filing fees, to increase the Fund's budget. Ms. Jerrell questioned the use of Supplemental Public Defense Fund monies. No hard data on the amounts in the funds was available. Chairman Lefstein then discussed the interview process for a new staff attorney. He hopes that candidates for interviews can be selected this month, and interviews completed by the end of March. Chairman Lefstein also requested that a copy of the annual report and the most recent budget memo be included on the Commission website.
3. The Commission members participating recommended approval of reimbursements in capital cases as follows:

COUNTY	DEFENDANT		TOTAL
Allen	Paker		\$19,670.48
Lake	Britt		\$4,970.50
Marion	Barker		\$3,634.00
	Davis		\$0.00
	Moore		\$40.73
	Ritchie		\$543.17
	Shannon		\$38,934.33
	Shannon		\$9,459.65
Spencer	Ward		\$26,617.51
Vanderburgh	McManus		\$11,970.33
<b>TOTAL</b>			<b>\$115,840.70</b>

4. The Commission members participating recommended approval of reimbursements in non-capital cases as follows:

COUNTY	PERIOD COVERED	TOTAL EXPENSE	ADJUS'T	ADJUS'D EXPEND.	40% REIMB.
ADAMS	10/01/02-12/31/02	\$26,449.13	\$0.00	\$26,449.13	\$10,579.65
BENTON	11/08/02-02/10/03	\$12,131.06	\$60.00	\$12,071.06	\$4,828.42
BLACKFORD	11/01/01-01/06/03	\$6,339.00	\$0.00	\$6,339.00	\$2,535.60
CARROLL	10/01/02-12/31/02	\$15,564.54	\$0.00	\$15,564.54	\$6,225.82
CLARK	10/01/02-12/31/02	\$88,482.66	\$1,769.65	\$86,713.01	\$34,685.20
DECATUR	10/01/02-12/31/02	\$26,960.85	\$12,941.21	\$14,019.64	\$5,607.86
FAYETTE	10/08/02-12/23/02	\$42,866.18	\$0.00	\$42,866.18	\$17,146.47
FLOYD	10/01/02-12/31/02	\$94,765.37	\$0.00	\$94,765.37	\$37,906.15
FOUNTAIN	10/01/02-12/31/02	\$23,259.13	\$0.00	\$23,259.13	\$9,303.65
FULTON	10/01/02-12/31/02	\$32,034.33	\$0.00	\$32,034.33	\$12,813.73
GREENE	10/01/02-12/31/02	\$62,763.55	\$0.00	\$62,763.55	\$25,105.42
HANCOCK	10/01/02-12/31/02	\$103,445.92	\$0.00	\$103,445.92	\$41,378.37
HENRY	10/01/02-12/31/02	\$58,451.32	\$0.00	\$58,451.32	\$23,380.53
JASPER	10/01/02-12/31/02	\$41,674.99	\$10,418.75	\$31,256.24	\$12,502.50
JAY	10/01/02-12/31/02	\$60,317.63	\$5,237.75	\$55,079.88	\$22,031.95
JENNINGS	10/01/02-12/31/02	\$19,669.48	\$270.00	\$19,399.48	\$7,759.79
KOSCIUSKO	10/01/02-12/31/02	\$47,722.54	\$0.00	\$47,722.54	\$19,089.02
LAKE	10/01/02-12/31/02	\$666,371.35	\$0.00	\$666,371.35	\$266,548.54
LAPORTE	10/01/02-12/31/02	\$87,638.67	\$0.00	\$87,638.67	\$35,055.47
MADISON	10/01/02-12/31/02	\$318,277.92	\$19,827.15	\$298,450.77	\$119,380.31
MARION	10/01/02-12/31/02	\$1,360,098.77	\$17,844.99	\$1,342,253.78	\$536,901.51
MIAMI	10/01/02-12/31/02	\$81,190.55	\$1,205.00	\$79,985.55	\$31,994.22
MONROE	10/01/02-12/31/02	\$183,705.00	\$0.00	\$183,705.00	\$73,482.00
MONTGOMERY	10/01/02-12/31/02	\$42,014.16	\$0.00	\$42,014.16	\$16,805.66
NOBLE	10/01/02-12/31/02	\$104,933.86	\$0.06	\$104,933.80	\$41,973.52
OHIO	10/01/02-12/31/02	\$8,967.50	\$2,131.50	\$6,836.00	\$2,734.40
ORANGE	10/01/02-12/31/02	\$30,953.76	\$0.00	\$30,953.76	\$12,381.50
PARKE	10/01/02-12/31/02	\$23,831.84	\$0.00	\$23,831.84	\$9,532.74
PERRY	12/02/02-02/03/03	\$47,161.80	\$0.00	\$47,161.80	\$18,864.72
PIKE	10/01/02-12/31/02	\$118,432.14	\$19,431.21	\$99,000.93	\$39,600.37
PULASKI	10/01/02-12/31/02	\$25,649.91	\$6,431.82	\$19,218.09	\$7,687.24
RUSH	10/01/02-12/31/02	\$21,597.69	\$5,128.27	\$16,469.42	\$6,587.77
SCOTT	11/12/02-12/31/02	\$26,400.00	\$4,752.00	\$21,648.00	\$8,659.20
SHELBY	11/01/02-12/31/02	\$43,756.55	\$0.00	\$43,756.55	\$17,502.62
SPENCER	11/06/02-01/27/03	\$17,851.10	\$0.00	\$17,851.10	\$7,140.44
STEUBEN	10/01/02-12/31/02	\$64,192.48	\$15,406.20	\$48,786.28	\$19,514.51
SULLIVAN	10/23/02-01/21/03	\$13,811.30	\$234.00	\$13,577.30	\$5,430.92
SWITZERLAND	10/01/02-12/31/02	\$22,247.67	\$3,650.55	\$18,597.12	\$7,438.85
VANDERBURGH	10/01/02-12/31/02	\$405,998.12	\$0.00	\$405,998.12	\$162,399.25
VERMILLION	10/01/02-12/31/02	\$13,028.95	\$0.00	\$13,028.95	\$5,211.58
VIGO	10/01/02-12/31/02	\$239,388.99	\$31,120.57	\$208,268.42	\$83,307.37
WARREN	10/01/02-12/31/02	\$2,129.00	\$0.00	\$2,129.00	\$851.60
WASHINGTON	10/01/02-12/31/02	\$38,260.47	\$4,591.26	\$33,669.21	\$13,467.68
WHITE	10/01/02-12/31/02	\$18,579.27	\$0.00	\$18,579.27	\$7,431.71
<b>TOTAL</b>		<b>\$4,789,366.50</b>	<b>\$162,451.94</b>	<b>\$4,626,914.56</b>	<b>\$1,850,765.83</b>

Hon Daniel F. Donahue abstained from consideration of the Clark County claim.

5. The participating members then considered and recommended rejection of a request to reimburse counties for indigent defense services in misdemeanor cases where the defendant received an enhanced sentence as a habitual substance offender. It was noted that the Fund statute specifically excludes misdemeanors from reimbursement.
6. Next, approval of an appellate seminar entitled *Appellate Practice: A Masters Level Course* was considered. Those participating recommended its approval. Downloadable material entitled *Appellate Practice* was not recommended for approval.
7. Finally, a discussion was held about the need for Marion County to achieve compliance in its juvenile court division. Chairman Lefstein sought authority to send Marion County Public Defender David Cook a letter stressing the need for the County to develop a plan and timetable for bringing the juvenile public defenders into compliance.

The Commission's next scheduled meeting is June 4, 2003, at 3:00 p.m. in Room 1071, South Tower, National City Center, Indianapolis, Indiana.

---

Norman Lefstein, Chairman

---

Date